

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

SHREYAS GANDLUR,

)

7235085

)

Plaintiff,

)

)

v.

)

2019CH12847

)

CHICAGO POLICE DEPARTMENT,

)

)

Defendant.

)

COMPLAINT

NOW COMES Plaintiff, SHREYAS GANDLUR, by the undersigned attorneys, LOEVY & LOEVY, and brings this suit to overturn Defendant CHICAGO POLICE DEPARTMENT's failure, in willful violation of the Illinois Freedom of Information Act, to comply with GANDLUR's request for records pertaining to communication between CPD and Amazon Ring. In support of the Complaint, GANDLUR states as follows:

INTRODUCTION

1. Pursuant to the fundamental philosophy of the American constitutional form of government, it is the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of the Illinois Freedom of Information Act ("FOIA"). 5 ILCS 140/1.

2. Restraints on access to information, to the extent permitted by FOIA, are limited exceptions to the principle that the people of this state have a right to full disclosure of information relating to the decisions, policies, procedures, rules, standards, and other aspects of

government activity that affect the conduct of government and the lives of the people. 5 ILCS 140/1.

3. Under FOIA Section 1.2, “[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt. 5 ILCS 140/1.2.”

4. Under FOIA Section 11(h), “except as to causes the court considers to be of greater importance, proceedings arising under [FOIA] shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way.” 5 ILCS 140/11(h).

PARTIES

5. Plaintiff SHREYAS GANDLUR is the FOIA requester in this case.

6. Defendant CHICAGO POLICE DEPARTMENT (“CPD”) is a public body located in Cook County, Illinois.

SEPTEMBER 8, 2019 FOIA REQUEST

7. On September 8, 2019, GANDLUR submitted a FOIA request to CPD seeking: [1] “[c]opies of all emails sent to/received from email addresses associated with the ring.com domain between January 1, 2019 to present”; [2] “[c]opies of all emails sent to/received from subpoenas@ring.com between January 1, 2017 to present”; [3] “[m]etadata associated with all emails sent to/received from email addresses associated with the ring.com domain between January 1, 2017 to present.” Exhibit A.

8. On September 9, 2019, CPD sent an automated email acknowledging receipt of the request and assigned it the following reference number: P521557-090919. Exhibit B.

9. On September 9, 2019, CPD sought an extension of five-business days. Exhibit C.

10. On September 23, 2019, CPD sought another extension of five-business days. Exhibit D.

11. On September 25, 2019, GANDLUR informed CPD that he does not agree to any extensions beyond the statutory deadline and extension. Exhibit D.

12. On September 25, 2019, CPD denied the request in its entirety for being “unduly burdensome” pursuant to Section 3(g) of FOIA. Exhibit E.

13. GANDLUR attempted to resolve the matter in short of litigation, but CPD did not respond.

14. CPD waived the right to claim the request as unduly burdensome when it failed to respond within the statutory deadline. *See* 5 ILCS 140/3(f).

15. As the date of this filing, CPD has produced no records responsive to the request.

16. CPD engages in a pattern, policy, and practice of delaying its response to many FOIA requests for as long as possible, often using unwarranted extensions of time or failure to respond at all until litigation or a Public Access Counselor review is initiated.

17. CPD engages in a pattern, policy, and practice of delaying its response to many FOIA requests for as long as possible, often claiming Section 3(g) after waiving the right to assert it.

COUNT I – SEPTEMBER 8, 2019, FAILURE TO PRODUCE RECORDS

18. The above paragraphs are incorporated by reference.

19. CPD is a public body under FOIA.

20. The records sought in the FOIA request are non-exempt public records of CPD.

21. CPD violated FOIA by failing to respond to the FOIA request by the required deadline.

COUNT II – SEPTEMBER 8, 2019, FAILURE TO PERFORM AN ADEQUATE SEARCH

22. The above paragraphs are incorporated by reference.
23. CPD is a public body under FOIA.
24. CPD bears the burden of proving beyond material doubt that it performed an adequate search for responsive records.
25. CPD has failed to come forward with sufficient evidence to carry this burden.
26. CPD has violated FOIA by failing to adequately search for responsive records.

COUNT III – SEPTEMBER 8, 2019, WILLFUL AND INTENTIONAL VIOLATION OF FOIA

27. The above paragraphs are incorporated by reference.
28. CPD is a public body under FOIA.
29. The records sought in the FOIA request are non-exempt public records of CPD.
30. CPD willfully and intentionally, or otherwise in bad faith failed to comply with FOIA.

WHEREFORE, GANDLUR asks that the Court:

- i. in accordance with FOIA Section 11(f), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way;
- ii. declare that CPD has violated FOIA;
- iii. order CPD to produce the requested records;
- iv. enjoin CPD from withholding non-exempt public records under FOIA;
- v. order CPD to pay civil penalties;
- vi. award GANDLUR reasonable attorneys' fees and costs;

vii. award such other relief the Court considers appropriate.

Dated: November 5, 2019

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

Attorneys for Plaintiff
SHREYAS GANDLUR

Matthew Topic
Joshua Burday
Merrick Wayne
LOEVY & LOEVY
311 North Aberdeen, 3rd Floor
Chicago, IL 60607
312-243-5900
foia@loevy.com
Atty. No. 41295

FOIA request

1 message

Shreyas Gandlur [REDACTED]
To: foia@chicagopolice.org

Sun, Sep 8, 2019 at 11:26 PM

Dear FOIA Officer:

Pursuant to the Illinois Freedom of Information Act, 5 ILCS 140, I request copies of the following records:

- Copies of all emails sent to/received from email addresses associated with the ring.com domain between January 1, 2019 to present. Please perform a search on all non-personal email accounts in use by the Chicago Police Department.
- Copies of all emails sent to/received from subpoenas@ring.com between January 1, 2017 to present. Please perform a search on all non-personal email accounts in use by the Chicago Police Department.
- Metadata associated with all emails sent to/received from email addresses associated with the ring.com domain between January 1, 2017 to present. Please perform a search on all non-personal email accounts in use by the Chicago Police Department. Please provide the following metadata: from address and name, to address and name, cc addresses/names, bcc addresses/names, data and time sent, subject line

The requested documents will be made available to the general public, and is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,
Shreyas Gandlur

Non-Commercial FOIA Request :: P521557-090919

1 message

Chicago Public Safety <chicagops@mycusthelp.net>

Mon, Sep 9, 2019 at 3:07 AM

To:

Dear Shreyas:

Thank you for your interest in information from the Chicago Police Department. Your FOIA request has been received and is being processed. Your FOIA Center reference number for tracking purposes is: **P521557-090919**

You have requested the following records: *Pursuant to the Illinois Freedom of Information Act, 5 ILCS 140, I request copies of the following records: - Copies of all emails sent to/received from email addresses associated with the ring.com domain between January 1, 2019 to present. Please perform a search on all non-personal email accounts in use by the Chicago Police Department. - Copies of all emails sent to/received from subpoenas@ring.com between January 1, 2017 to present. Please perform a search on all non-personal email accounts in use by the Chicago Police Department. - Metadata associated with all emails sent to/received from email addresses associated with the ring.com domain between January 1, 2017 to present. Please perform a search on all non-personal email accounts in use by the Chicago Police Department. Please provide the following metadata: from address and name, to address and name, cc addresses/names, bcc addresses/names, data and time sent, subject line The requested documents will be made available to the general public, and is not being made for commercial purposes. In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not. Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires. Sincerely, Shreyas Gandlur*

Chicago Police Department (CPD) responds to all public records requests in accordance with the Illinois Freedom of Information Act (FOIA), 5 ILCS 140/1 et seq. If further time is needed to assemble and copy all documents responsive to your FOIA request, we will contact you with a time estimate and a request to extend.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Thank you for using the Chicago FOIA Center.

To monitor the progress or update this request please log into the [Chicago Public Safety Record System](#).

Non-Commercial Police FOIA Request :: P521557-090919

1 message

Chicago Public Safety <chicagops@mycusthelp.net>

Mon, Sep 9, 2019 at 4:56 AM

To:



CHICAGO POLICE DEPARTMENT
CITY OF CHICAGO

09/09/2019

Shreyas Gandlur
IL

RE: FOIA REQUEST of September 09, 2019, Reference # P521557-090919

Dear Shreyas:

The Chicago Police Department is in receipt of your Freedom of Information Act (FOIA) request. On September 09, 2019, the following request was received.

Pursuant to the Illinois Freedom of Information Act, 5 ILCS 140, I request copies of the following records:

- Copies of all emails sent to/received from email addresses associated with the ring.com domain between January 1, 2019 to present. Please perform a search on all non-personal email accounts in use by the Chicago Police Department.

- Copies of all emails sent to/received from subpoenas@ring.com between January 1, 2017 to present. Please perform a search on all non-personal email accounts in use by the Chicago Police Department.

- Metadata associated with all emails sent to/received from email addresses associated with the ring.com domain between January 1, 2017 to present. Please perform a search on all non-personal email accounts in use by the Chicago Police Department. Please provide the following metadata: from address and name, to address and name, cc addresses/names, bcc addresses/names, data and time sent, subject line

The requested documents will be made available to the general public, and is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,
Shreyas Gandlur

Under the Freedom of Information Act, a public body may extend the time to respond to a FOIA request by up to 5 business days for a limited number of reasons. 5 ILCS 140/3(e). We are extending the time to respond to your request by 5 business days for the following reason(s):

The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
The request may require the collection of a substantial number of specified records, if any exist;
There is need for consultation, which shall be concluded with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

If you have any questions, please contact our office at 312-745-5308 or at the following address:

Exhibit C

Chicago Police Department
Attention: Freedom of Information Officer
Office of Legal Affairs, Unit 114
[3510 S. Michigan Ave.](#)
[Chicago, IL 60653](#)

Sincerely,

Gary Rubenstein
Freedom of Information Officer
Chicago Police Department

Non-Commercial Police FOIA Request :: P521557-090919

2 messages

Chicago Public Safety <chicagops@mycusthelp.net>

Mon, Sep 23, 2019 at 12:00 PM

To: [REDACTED]

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Status update: At this time the FOIA Section is awaiting the results of multiple email searches. We have a current backlog due to heavy request volumes. CPD is requesting additional five business days to complete your request. Please reply to this message with any question or issue regarding your request.

Shreyas Gandlur [REDACTED]

Wed, Sep 25, 2019 at 10:46 AM

To: Chicago Public Safety <chicagops@mycusthelp.net>

Thank you for the status update. Just to be clear, I have not and will not agree to any extensions beyond the statutory deadline and 5-day extension.

Best,
Shreyas Gandlur
[Quoted text hidden]



Lori E. Lightfoot
Mayor

Department of Police • City of Chicago
3510 South Michigan Avenue • Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

VIA EMAIL

September 25, 2019

Shreyas Gandlur
[REDACTED]

RE: NOTICE OF RESPONSE TO FOIA REQUEST
FOIA FILE NO.: P521557

Dear Shreyas Gandlur:

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA) request, received September 9, 2019 for the following:

Pursuant to the Illinois Freedom of Information Act, 5 ILCS 140, I request copies of the following records:

- Copies of all emails sent to/received from email addresses associated with the ring.com domain between January 1, 2019 to present. Please perform a search on all non-personal email accounts in use by the Chicago Police Department.*
- Copies of all emails sent to/received from subpoenas@ring.com between January 1, 2017 to present. Please perform a search on all non-personal email accounts in use by the Chicago Police Department.*
- Metadata associated with all emails sent to/received from email addresses associated with the ring.com domain between January 1, 2017 to present. Please perform a search on all non-personal email accounts in use by the Chicago Police Department. Please provide the following metadata: from address and name, to address and name, cc addresses/names, bcc addresses/names, data and time sent, subject line*

Upon review it was determined that your request is denied. Section 3(g) of FOIA provides that "requests for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information." 5 ILCS 140/3(g).

Your request for email communications is unduly burdensome as currently written. In order to effectively run an email search, CPD needs 1) the employee name / email address of the account you wish searched; (2) the employee names / email address of each individual's mailbox, if you seek email correspondence to and from two individuals, (3) key words you wish to search for; and (4) the time frame to be searched.

While you have identified a time frame, your request for email communications asks CPD to query the entire universe of nearly three years of emails without providing employee names, email addresses or key search terms. At this time, your request as currently written is unduly burdensome. Pursuant to section 3(g) of FOIA, we would like to extend to you an opportunity to modify your request to make it more manageable. Please let me know if you need assistance in narrowing your request.

Exhibit E

Unless and until a new FOIA request is submitted that specifies what records you are seeking, CPD will be unable to process your petition. Once this is determined, a new FOIA request can be submitted to CPD specifying the records you would like CPD to provide. Please reference FOIA file #P521557 in your narrowed response to avoid any miscommunication or duplication of work.

You have the right to a review under 5 ILCS 140-9.5(a) by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 South 2nd Street, Springfield, Illinois 62706, Phone: (877) 299-3642, Fax: 217-782-1396, E-mail: publicaccess@atg.state.il.us. A Request for Review must be filed within 60 calendar days of the date of a denial letter, and include a copy of the original FOIA request and the denial letter. You may also seek judicial review of a denial under 5 ILCS 140/11 by filing a lawsuit in the State Circuit Court.

Please contact me at 312-745-5308 if I can be of further assistance.

Sincerely,

G. Rubenstein, FOIA Officer

Chicago Police Department
Office of Legal Affairs - Unit 114
3510 S. Michigan Ave.
Chicago, IL 60653